

AFFIDAVIT

I, Eric Brimo, being duly sworn, depose and state as follows:

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and have been so employed since February of 2016. Prior to working for the ATF, I was a Special Agent with the U.S. Department of State, Diplomatic Security Service, and a Detective with the Vero Beach Police Department in Vero Beach, Florida. In my capacity as a Special Agent, I am familiar with the federal laws relating to firearms and controlled substance violations, have been trained in the investigation of violations of said laws, and have participated in several such investigations. I have also worked on several drug investigations, and am familiar with criminal use, possession, sale, and trafficking of illegal drugs.

2. I set forth the following as probable cause to believe that Michael Samuels knowingly possessed a firearm, after having been previously convicted of a felony conviction, and knowing he had been convicted of such a felony, a violation of Title 18, United States Code, Section 922(g)(1).

3. This affidavit is based upon my training and experience, and the investigation of other law enforcement officers. More specifically, I know the information contained within this affidavit from multiple conversations I have had with Vermont Drug Task Force (VDTF) Det. Sgt. Christopher Lora. Because this affidavit is submitted for the limited purpose of establishing probable cause, I have not set forth each and every fact learned by law enforcement during the course of the investigation. Where I describe a statement, it is described in substance, not verbatim.

Brattleboro Police Department Incident

4. On July 29, 2019, at approximately 10:03pm, I was contacted by VDTF Det. Sgt. Lora who advised he was currently assisting members of the Brattleboro Police Department (BPD) with investigating a reported shooting in the area of Elm St. and Elliot St. in Brattleboro, VT. Det. Sgt. Lora stated that the individuals in this incident were suspected of being involved in drug trafficking. Det. Sgt. Lora advised an individual, who was later identified as Michael Samuels, reportedly got in an altercation with another individual who fired at least one shot at him. Samuels in return then brandished a firearm back at the other individual. Upon arrival of BPD Officers, Samuels ran away into a nearby wooded area where he was subsequently apprehended. Samuels was arrested and placed in an awaiting BPD vehicle.

5. BPD Officers then returned back to the wooded area and conducted a search to locate the firearm that Samuels reportedly had in his possession from the shooting. During the search, BPD Officers located a Ruger 9mm semi-automatic pistol in the area near the Three Stones Restaurant. Upon further review of the firearm, Det. Sgt. Lora advised BPD discovered the serial number had been obliterated from the frame of the firearm. The firearm was secured and taken into BPD custody.

6. After providing this information to me, Det. Sgt. Lora advised he was on his way to the Brattleboro Police Department to attempt an interview with Samuels. Det. Sgt. Lora advised he would call again following the interview.

7. I later queried this incident information in the Vermont Justice Information Sharing System (VJISS). VJISS is an aggregate database containing reports from local and state law enforcement agencies in Vermont. I located a BPD report, case number

19BB06228, written by BPD Ofc. Jason Hamilton, which I have read and found consistent with the information provided by Det. Sgt. Lora.

Interview of Samuels

8. At approximately 11:10pm, Det. Sgt. Lora contacted me again advising he had just completed the interview with Samuels. Det. Sgt. Lora advised that he first advised Samuels of his constitutional rights and after stating he understood them, Samuels agreed to discuss the incident. Det. Sgt. Lora stated that Samuels admitted the firearm recovered by BPD was his and that he threw it near Three Stones while he was running from law enforcement. Det. Sgt. Lora also advised me that Samuels stated he knew he was a convicted felon.

9. Shortly after the interview, Samuels was released by state authorities.

Review of Criminal History

10. After receiving the initial information, on July 30, 2019, I queried Samuels in the National Crime Information Center (NCIC) database by his full name, gender, race, date of birth and FBI identification number. According to the identifiers that matched that search, the NCIC criminal history record for Samuels shows that he has the following prior felony convictions from the State of Connecticut:

- Two counts of Sale of a Controlled Substance, dated October 27, 2014, case number 14-12935
- Burglary, dated December 13, 2013, case number 12-31327
- Forgery, dated October 21, 2011, case number 11000896

In addition, the NCIC record from the State of Connecticut has a caution advising “(CONVICTED FELON)”. Because of his prior felony convictions, Samuels is prohibited from possessing, purchasing, or owning firearms or ammunition.

Interstate Nexus Determination

11. On July 30, 2019, Det. Sgt. Lora provided me with photographs of the firearm recovered by BPD. In addition, Det. Sgt. Lora provided additional details noting that the firearm was a Ruger SR9c 9mm semi-automatic pistol with an obliterated serial number, which is currently in the custody of BPD.

12. I then provided this information to ATF Special Agent Scott Murray, a designated ATF interstate nexus expert. SA Murray determined that the firearm, a Ruger SR9c 9mm semi-automatic pistol with an obliterated serial number, was manufactured outside the state of Vermont, and by its presence in the State of Vermont, previously travelled across state lines in interstate commerce.

Conclusion

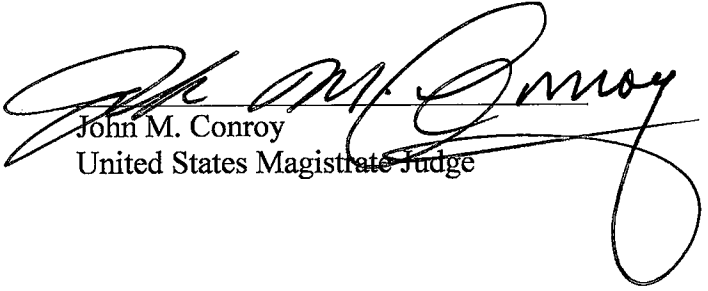
13. Based on the information set forth above, I believe there is probable cause that, Michael Samuels, unlawfully possessed a firearm after being prohibited from doing so due to knowingly being a previously convicted felon, a violation of Title 18, United States Code, Section 922(g)(1).

Dated at Burlington, in the District of Vermont, this 31st day of July, 2019.



Eric Brimo
Special Agent, ATF

Sworn to and subscribed before me this 31 day of July, 2019.


John M. Conroy
United States Magistrate Judge